

TWC/2017/0979

Elephant and Castle, Stafford Street, St Georges, Telford, Shropshire, TF2 9JQ
Conversion of Public House (Use Class A4) to convenience retail store (Use Class A1), including extension and internal reconfiguration of the existing building

APPLICANT

Punch Partnerships (PML) Limited

RECEIVED

01/12/2017

PARISH

St. Georges and Priorslee

WARD

St Georges

OFFICER Ian Lowe

THE APPLICATION IS SUBJECT TO A S.106 AGREEMENT FOR CONTRIBUTIONS TOWARDS THE PROVISION OF DOUBLE YELLOW LINES IN THE VICINITY OF THE APPLICATION SITE AND TOWARDS THE RELOCATION OF AN EXISTING BUS STOP

THE APPLICATION HAS BEEN CALLED IN BY ST GEORGES AND PRIORSLEE PARISH COUNCIL

OBJECTIONS RECEIVED: YES

1.0 THE PROPOSAL

- 1.1 This full planning application seeks permission for the conversion of the Elephant and Castle Public House (Use Class A4) to a convenience retail store (Use Class A1), including extension and internal reconfiguration of the existing building, reconfiguration of car park and provision of cycle parking.
- 1.2 It is proposed to retain the existing façade of the building and provide an extension of 154sq.m to the western and northern elevations. It is proposed to remove the existing front porch and replace this with a new store entrance with automatic sliding doors. The proposed store would measure 360sq.m in total.
- 1.3 The existing car park to the rear would be reconfigured to provide 9 parking spaces including 1 disabled space. The existing access to Stafford Street would be maintained. A total of 8 cycle spaces would be provided to the front of the storey. Deliveries would be proposed to the front of the store with an existing bus stop suitably relocated.
- 1.4 Plant and machinery required for the retail store will be positioned within a fenced compound on the roof of the proposed rear extension. No external bin storage is proposed with the intention that the end-user would recycle waste collected in the empty delivery cages to be returned to their central depot.
- 1.5 The application is supported by a suite of drawings and the following supporting documentation:
 - Planning, Design & Access Statement

- Viability Report
- Tree Report
- Transport Statement
- Phase 1 Ecology Report
- Noise Impact Assessment

2. SITE AND SURROUNDINGS

- 2.1 The application site is located within the built up area of Telford and within the St. Georges area which is a Local Centre. The site is approximately 2 miles north of Telford Town Centre and approximately 0.5 miles east of Oakengates. The Public House known as the Elephant and Castle is located towards the northern end of Stafford Street and close to a mini roundabout junction with West Street, Church Street and Gower Street.
- 2.2 The building is rendered and painted white to the front and sides with pitched roofs and chimney stacks at both ends. There is a pitched roof entrance porch to the front. To the rear, brickwork is exposed and there are single storey extensions. There is vehicular access to a carpark to the left hand side of the building with the existing carpark sited to the rear, enclosed by mainly brick walling between 2 and 3m high.
- 2.3 Residential properties are sited to the south of the car park access and to the north of the site. Car parking for residential units accessed off Rothwell Close is located to the west of the site.
- 2.4 There is a lamppost and bus stop located immediately to the front of the site. The kerb is dropped for the length of the site frontage. A pull-in bus stop is located on the opposite side of the road. Further to the north of the site there is a pedestrian 'Zebra' crossing. To the south and opposite there is an access road known as Castle Mews.
- 2.5 The surrounding area is a mix of residential and commercial. In the vicinity of the site there are a number of small business's including takeaways, hairdressers, funeral directors, vets surgery and other small A1 uses. There are several public houses serving the local community. In respect of larger food stores, an Aldi is located within 1 mile to the south west of the site, a Co-Op at Priorslee is approximately 1.4 miles south east, and Asda Donnington Store is just over 1 mile north.

3. RELEVANT PLANNING HISTORY

- 3.1 No Relevant Planning History

4. PLANNING POLICY CONTEXT

4.1 National Planning Policy Framework (NPPF)

4.2 Telford & Wrekin Local Plan (2011-2031)

SP1: Telford

SP4: Presumption in favour of sustainable development

COM1: Community Facilities

EC4: Hierarchy of Centres

EC7: Local Centres and Rural Services

NE2: Trees, hedgerows and woodlands

C3: Impact of development on highways

BE1: Design Criteria

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

5.1 St. Georges & Priorslee Parish Council: Object

The Parish Council have submitted a Call-in application objecting to this application on the grounds of: Over development of site, noise, disruption caused to neighbouring residents, concern for large delivery vans and lorries to the site (including unsocial hours), increase in traffic on an already dangerous road within close proximity to local School, moving of bus stop will impact directly on local resident directly outside their property, potential noise from refrigeration units.

5.2 Highways: Support subject to conditions:

The Highways Officer raises no objections in principle to the proposal subject to a condition ensuring that the areas for parking, loading, unloading and turning have been properly laid out, hard surfaced and drained prior to first use. They also seek a contribution of £10,000 towards the re-location and improvement works to the existing bus stop that sits outside the front of the site, and towards the implementation of parking restrictions in vicinity of the site. The parking restrictions are required in order to stop vehicles parking inappropriately at the front, and in vicinity of the site. The re-location and improvement works to the bus stop are necessary in order to segregate accordingly the bus stop and vehicles making deliveries to the store.

The officer also notes that the site is in close proximity to St Georges Primary School and the mini-roundabout at the junction of Stafford Street and Church Street. It is anticipated that any deliveries made within school drop-off and pick-up times are likely to add to the high levels of congestion that are currently experienced along Stafford Street at those particular times. They

advise that it may be appropriate to restrict deliveries to outside of the hours of 8.30am – 9.30am and 2.30pm – 3.30pm.

- 5.3 Environmental Health (Public Protection): Support Subject to conditions
The officer notes that a further noise survey will be required upon installation of any noise emitting plant. This will conclude whether additional mitigational measures will be required such as acoustic enclosures or screening. A condition for details of lighting is also requested.

They consider that reversing sirens and noise from deliveries is likely to raise complaints in the early hours and later hours and therefore it would be appropriate to restrict delivery times to between 8am and 10pm Monday to Saturday, with no deliveries on Sundays, Bank or Public Holidays. Conditions are also requested to restrict opening hours to between 8:00 and 18:00 Monday to Friday, 08:00 and 1300 Saturdays with no opening on Sundays or Bank and Public Holidays.

- 5.4 Drainage: Support Subject to Conditions:
Conditions to include submission of foul and surface water details based on sustainable drainage (SuDS) principles and to include the submission of a SuDS management plan.
- 5.5 Development Plans: Comment
The Commercial Study submitted by the applicant has been considered by the Development Delivery Group Specialist. They advise that as its author is a Chartered Surveyor specialising in the licensed trade, they have no reason to doubt the conclusion found in 11.0 on page 12 of the document.
- 5.6 Ecology: No Comment
- 5.7 Arboricultural: No Comment
- 5.8 Shropshire Fire Service: Standard Informative

Neighbours and local groups

- 5.9 Neighbouring occupiers have been consulted and a total of 27 objections have been received. The comments received are made on the following grounds:
- Traffic and Highways Issues Including: Parking Problems, Increase in Deliveries, Dangerous Section of Road, School Nearby, Lack of On-

Site Parking, Traffic Noise, Potential Increase in Accidents, Too Close to Zebra Crossing

- Loss of Historic Public House
- Already other Convenience Stores and larger stores in local area
- Loss of Jobs with Smaller Shops Closing
- Disturbance with Longer Opening Hours

6. PLANNING CONSIDERATIONS

6.1 Planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan consists of The Telford & Wrekin Local Plan which was recently adopted by the Local Authority.

6.2 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- The Principle of the Change of Use Including Loss of Public House
- Highways Considerations
- Noise and Impact upon Neighbouring Amenity
- Scale and Design
- Drainage
- Trees

The Principle of the Development

Viability

6.3 In support of the application, the applicant has submitted a viability study appraisal of the existing business. The report has been completed by a Chartered Surveyor specialising in licensed trade. The document provides financial details over the last 3 years and considers the trends of the pub market as a whole. In particular it provides an analysis of the pub market including the issues relating to 'wet only' venues where there is no provision to serve hot food as is the case at the Elephant and Castle. The report provides a conclusion based on the business being run by a Reasonably Efficient Operator (REO) and suggests that after losses, the owner would be left with a profit of below £10,000 which would not be sufficient reward for their efforts. The figure would be below national minimum wage and more so if the business was run by a couple. The business is therefore not considered viable due to both the profitably likely to be achieved, the additional costs of refurbishment required and the difficulty in obtaining any commercial loan to acquire the property.

- 6.4 In addition to the financial stability of the public house, the report also acknowledges the direct competition in the nearby area. The Bell and Bails (Marstons) and Cottage Spring are situated on Church Street and are considered to benefit from prominence to what is perceived to be a busier road, forming the main route through the suburb, linking the A5 with the A442 Queensway. Both of these sites are understood to operate similar trading hours, however the Bell and Bails operates a food menu from 5.30pm to 9pm, with a lunch menu on Sundays. The Albion Inn (Marstons) is also located within close proximity to the north-west and fronts West Street, which joins the A5 with the property occupying a prominent corner position. The property provides a comprehensive food menu with two letting rooms and is therefore more likely to benefit from a degree of destination trade. The report also highlights The Turf Inn which like the Elephant and Castle is a wet only pub, that whilst not being in a prominent location as the application site, the property is larger.
- 6.5 As a result, it is unlikely that an experienced operator would be prepared to take on this business as, even if paying no rent, there would be insufficient profit for a couple or individual after the financial costs of running the business were taken into account. This is supported by the existing tenant who is understood to have been operating the business for a considerable number of years. Even if investment was made into the public house, which the report advises would be a significant risk, the author concludes that the business that could be generated would still no longer provide a sufficient income for an operator in the medium term as the fundamental requirements of a successful modern Public House could not be provided.

Loss of Public House

- 6.6 A public house is considered to be of social community value and as such the impact of the loss/change of use of a public house is an important consideration. Policy COM 1 seeks to protect existing community facilities and encourage new ones. The policy states that it will not support the loss of buildings previously used as a community facility unless a lack of need is demonstrated, or acceptable alternative provision exists. Given the conclusions of the viability report outlined above, Officers are of the view that the loss of this public house facility would not result in a lack of this type of community facility in the local area and it has been demonstrated that there is more than adequate alternative provision nearby.

Principle of a Convenience Store

- 6.7 The Telford & Wrekin Local Plan directs the majority of new development to the built up area of Telford and to sustainable locations within the Borough.

EC4 sets out the hierarchy of centres within the Borough and in this instance, the site is located within a designated Local Centre with a number of small scale shops serving local and day-to-day needs (Appendix C Local Centres – Telford & Wrekin Local Plan). Shops are a valuable service to many communities and Policy EC7 supports the use of buildings for retail purposes in Local Centres. The use of the building as a convenience store therefore supports the continued sustainability of the local area and is supported by this policy.

Conclusions

- 6.8 In conclusion of the above, the public house is not considered a viable operation and does not provide adequate revenue to compete in the modern market. The application site is located within a Local Centre within the built up area of Telford and is therefore considered to be in a suitable location for a convenience store (A1 use) as stated in policy EC7 of the Local Plan. As a result, the principle of the loss of the public house and its conversion to a convenience store is acceptable subject to the technical issues of highways, drainage, design and impact upon neighbouring uses.

Highways

- 6.9 Officers note that of the objections raised, the majority relate to potential highways issues resulting from the proposed development. The Highways Engineer and Traffic Management Engineers met on site to discuss the proposed development, and concluded that the proposal would be acceptable subject to the provision of a Traffic Regulation Order (TRO) to include double yellow lines either side of the access to the car park and to the front of the building. The applicant has agreed to a contribution of £10,000 towards this and towards the suitable relocation of the existing bus stop which currently fronts the property. Although the car park is existing, the addition of double yellow lines around the access with the public highway will allow for the safer entrance and exit of vehicles. Furthermore, the restrictions across the frontage would discourage parking in this location. It would however, still allow for deliveries to take place to the store. Officers do not consider that there would be any impact upon the safety and free flow of vehicular and pedestrian traffic subject to the proposed TRO's being in place and appropriate conditions.
- 6.10 The development proposes 9 parking spaces including one disabled space. Recommended standards contained within Appendix F, Table 28 of the Telford & Wrekin Local Plan suggest that one space is required per 35sq.m gross for units less than 1000sq.m. As such, the recommended provision would be 10.3 spaces for a unit of this size (360sq.m), equating to a shortfall

of 1 space. Para.28 of Appendix F suggests that a flexible approach will be taken for non-residential development outside of the central areas and in this instance, Officers note that the location of the proposed store is within a sustainable location, easily accessible on foot, cycle and public transport. As such, 9 spaces is considered adequate.

- 6.11 With regard to the same set of standards set out in Table 28, it suggests that 10 cycle spaces should be made available, although only 8 are proposed. Officers are of the view that it is highly unlikely that more than 8 customers with cycles would be at the store at any one time. As such, the amount proposed appears to be more than adequate in this instance.
- 6.12 Officers note the concerns raised that the proposed use is likely to increase the amount of traffic to and from the site, however, given the moderate size of the unit, it is not considered that the use would result in an excessive amount of additional traffic that would have sufficient negative impact upon the public highway to warrant refusal. There are no objections from the Council Highways Officer in terms of the proposed use or in regards to the amount of vehicles likely to use the store.

Opening and Delivery Times

- 6.13 Officers note the points raised by both the Highways Officer and Environmental Health Officer in respect of both opening times and times when deliveries can take place.
- 6.14 In respect of opening times, the applicant had requested on the application form opening hours of between 6:00 and 23:00 7 days a week including bank holidays. The Councils Environmental Health Officer has suggested opening times of between 8:00 and 18:00 Monday to Friday, 08:00 till 1300 Saturdays with no opening on Sundays or Bank and Public Holidays. However, it is considered that these suggested hours are too restrictive, especially when considering that the site is within a Local Centre and that existing use of the property as a public house had opening hours up until 11p.m. 7 Days a Week. Following further discussions with the applicant, a condition will therefore be attached for opening hours of between 7:00 and 23:00 7 days a week, inclusive of public holidays.
- 6.15 As advised by the Council's Highways Officer, in order to ease any potential congestion on the public highway as well as limiting the impact of noise upon local residents that can be created by delivery lorries (reversing sirens, unloading/loading), it is considered appropriate to restrict delivery times. Following discussions with the applicant, it is noted that some early morning deliveries are essential, to allow for the delivery of newspapers and

sandwiches. This is generally carried out by smaller vans. It is therefore considered appropriate to attach a condition to allow the applicant to submit a Delivery Management Plan. Officers will seek that this allows for deliveries by smaller vehicles at appropriate times but would restrict the delivery times by larger vehicles so that early mornings, late evenings and school drop off/pick up times are avoided.

Scale, Design and Impact upon Neighbouring Occupiers

- 6.16 As part of the proposed alterations to the building it is proposed to retain the existing façade of the public house, albeit removing a previously added front porch extension. It is then proposed to extend the existing building by creating a flat roofed extension to the right hand side of the existing frontage and around the rear of the property. The extension would be finished in smooth render to match the existing frontage with auto sliding doors to the main entrance and a new timber window would be added within the extended building to the right hand side.
- 6.17 Officers are happy to see that the main façade would be retained as part of the proposed development as whilst the building possesses no statutory or local listing status, it is a historic building within this location. It is considered that the additions to the side and rear would not cause any detriment to the overall character of the building and there would be no detrimental impact upon the character and appearance of the existing street scene as a result of this proposal. Separate advertisement consent would be required for signage.
- 6.18 The scale and siting of the proposed extensions would not cause any detriment to the amenities of neighbouring occupiers through reasons of loss of light or privacy. A condition will be attached for the submission of a lighting scheme which will ensure any proposed lighting, particularly for the rear parking area, does not cause nuisance to neighbouring occupiers.
- 6.19 Overall, it is considered that the scale, design and layout of the proposed development is acceptable and subject to appropriate conditions would not cause any adverse impact upon the character and appearance of the area or upon the amenities of neighbouring occupiers.

Drainage

- 6.20 There are no objections from the Drainage Officer subject to details of surface and foul water drainage to be submitted prior to the commencement of any development. Officers are satisfied that there would be no drainage issues subject to the submission of these details as per the requested conditions.

Trees

6.21 It is noted that there are a few trees located outside the boundary of the site to the west and beyond the existing boundary wall of the application site. The Tree Report submitted with this application notes the position of these trees and acknowledges that tree root activity is likely to be restricted to an area behind this retaining wall and confined to the garden of the neighbouring unit. The Councils Arboriculture Officer raises no objections to the proposal in this instance

7. CONCLUSIONS

7.1 The applicant has provided adequate details to conclude that the existing public house is no longer a viable operation and is unlikely to become viable, even with some investment, in the future. There is adequate provision of public houses within the local area. The application site sits within the Local Centre of St. Georges where A1 uses are considered acceptable and in accordance with the development plan. The application site has adequate levels of parking to the rear of the site and the implementation of suitable parking restrictions to the front of the site will help prevent the parking of vehicles where the free flow of traffic may be impeded. The scale and design of the proposed extensions are acceptable and would not cause any significant harm to the character and appearance of the existing building or the visual amenity of the surrounding area. Subject to suitable conditions in respect of opening and delivery times, and the provision of lighting details the development would not cause harm to the occupiers of neighbouring residents.

7.2 It is therefore considered that the development is acceptable and compliant with local planning policy and the guidance contained within the National Planning Policy Framework.

8.0 RECOMMENDATION

8.1 Based on the conclusions above, it is recommended that **DELEGATED AUTHORITY** be granted to the Delivery Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to;

A) The applicant/landowners entering into a Section 106 Agreement with the Local Planning Authority, terms to be agreed by the Development Management Service Delivery Manager, relating to:

(i) **£10,000 TOWARDS PARKING RESTRICTIONS IN THE VICINITY OF THE SITE AND THE RELOCATION OF BUS STOP**

B) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager;

1. Time Limit – Full
2. Materials Conditions
3. Highway Conditions (Including Delivery Management Plan)
4. Opening and Delivery Times
5. Post Construction Noise Survey
6. Drainage Conditions
7. Lighting Plan
8. Development in accordance with plans